

REMARKS/ARGUMENTS

Claims 24, 25, and 28 are pending. All pending claims were rejected as being anticipated by U.S. Patent No. 4,591,341 to Andrews. Such rejections are respectfully traversed.

The Examiner characterizes Andrews as disclosing "a removable elastic positioning appliance 10 comprising a shell having a hollow cavity shaped to receive and reposition teeth." Thus far, Applicants agree with the Examiner.

The Examiner continues to argue, however, that the shell has "at least one protrusion 14 disposed along an edge of the cavity . . . [which] . . . comprises a continuous protrusion configured to contact teeth along the gingival margin and interdental areas" relying on Fig. 1. The Examiner notes that the appliance includes a second protrusion 16 as well.

Applicants respectfully disagree with this latter characterization of Andrews. Element 14 of Andrews is a strip of suction devices which is clearly indented into the wall of the cavity of the positioning device, as shown in Fig. 3. While a plurality of discrete suction cups do protrude into the cavity from the strip, these suction cups are hardly continuous and are certainly not disposed along an edge of the hollow cavity. Indeed, the strip 14 is positioned approximately one-third of the way down the wall of the hollow cavity.

It is further pointed out that these suction cups are intended to increase the adherence of the positioner to the surface of the teeth, not to engage the tooth and gingival margin where they meet, as is the purpose of the continuous protrusion of the present invention. In view of this difference in purposes, one skilled in the art would realize that the suction cups should be positioned away from the gingival surface where the transition between the gingiva and the tooth would tend to break any vacuum created by the suction cup. Thus, not only does Andrews '341 fail to teach the elements of claim 24, any modification of the teachings of Andrews to have the suction cups engage the tooth at the gingival margin is contraindicated.

CONCLUSION

For these reasons, Applicants believe that claims 24, 25, and 28 are now in condition for allowance and request that the application be passed to issue at an early date.

If for any reason the Examiner believes that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at 650-326-2400.

Respectfully submitted,

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